

Subject:AMTS spectrum for **DART** PTC, via Contract, etc.
From: Warren Havens (warren.havens@sbcglobal.net)
To: RMarshall@dart.org; LSachs@fcclaw.com;
Cc: Roger.Noel@fcc.gov; Lloyd.coward@fcc.gov; Richard.Arsenault@fcc.gov;
Patrick.McFadden@dbr.com; jstobaugh@telesaurus.com;
Date: Wed, 24 Aug 2011 17:51:54

DART,
Robert Marshall, Contracting Officer
Liz Sachs, outside legal counsel for FCC matters

I reference my email to you sent on Aug 9, 2011 a full copy of which is below as an in-line attachment.
See [*]. I did not hear back from DART in response to that email.

As background, as you know, DART gave my company holding AMTS spectrum in the DART area a two-day time period to respond to your RFP for spectrum in lower 200 MHz for PTC. That was after DART engaged in negotiations with Maritime Communications Land/Mobile LLC ("Maritime").[*] I offered essentially free spectrum, but DART did not respond to that. Later, we also had a second round, indicated in the in-line attachment below. The third round is my offer of Aug 9 to which you did not respond.

None of this was confidential including since I want to be free to provide copies to the FCC if at some time that appeared useful, as it does at this time, including for purposes of docket 11-79.

While it appears clear that DART did not seriously seek any spectrum from my companies for PTC, I am again extending an offer indicated in my Aug 9 email (the in-line attachment below) and further indicated in below offers to SCRRA, AMTRAK, MNR-LILL, and NJT (and to MBTA but not shown below).

As I indicated below, my companies have interest in this for a period of time.

Partrick McFadden and his law firm Drinker Biddle & Reath (DC) are counsel to our companies (called "SkyTel" together) for certain FCC purposes indicated below, centered around FCC 11-64. He is cc'ed here.

A copy of this will be filed in FCC docket 11-79.

Sincerely,
Warren Havens

[*] In my initial communications with you for DART, I explained clearly to you issues with regard to Maritime that, soon thereafter, were set forth by the full Commission in FCC 11-64, a decision that tracked closely the FCC Enforcement Bureau investigation to which I referred you in initial communications. Nevertheless, DART pursued the Maritime spectrum and, as indicated above, did not pursue spectrum of my companies although it was not subject to any legal issues or claims, and even though we offered it essentially for no cost.

----- Forwarded Message -----

From: Warren Havens <warren.havens@sbcglobal.net>
To: "jwasilak@njtransit.com" <jwasilak@njtransit.com>; "TPrice@njtransit.com" <TPrice@njtransit.com>
Cc: Roger Noel <Roger.Noel@fcc.gov>; Lloyd Coward <Lloyd.coward@fcc.gov>; Richard Arsenault <Richard.Arsenault@fcc.gov>; "Patrick.McFadden@dbr.com" <Patrick.McFadden@dbr.com>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>
Sent: Wednesday, August 24, 2011 5:26 PM
Subject: AMTS spectrum for NJ Transit, via Contract, etc.

NJ Transit:

Paul K. Stangas, P.E.

Director, Systems Engineering & Design
NJ Transit
1 Penn Plaza
Newark, NJ 07105-2246
(Via Mr. Wasilak and Ms. Price)

John Wasilak, JWasilak@njtransit.com
Acting Director of Contracts, NJ Transit

Tangia Price, TPrice@njtransit.com
Procurement Department, NJ Transit

My companies hereby extend to NJ Transit a similar offer (and related presentation) that we make below to MNR-LIRR and AMTRAK (which in turn references the below offer and presentation to SCRRA).

FYI, Partrick McFadden and his law firm Drinker Biddle & Reath (DC) are counsel to our companies (called "SkyTel" together) for certain FCC purposes indicated below, centered around FCC 11-64. He is cc'ed here.

A copy of this will be filed in FCC docket 11-79.

Sincerely,
Warren Havens

----- Forwarded Message -----

From: Warren Havens <warren.havens@sbcglobal.net>

To: "hansen@mnrr.org" <hansen@mnrr.org>; "jennings@mnrr.org" <jennings@mnrr.org>;
"makelly@lirr.org" <makelly@lirr.org>

Cc: Roger Noel <Roger.Noel@fcc.gov>; Lloyd Coward <Lloyd.coward@fcc.gov>; Richard Arsenault
<Richard.Arsenault@fcc.gov>; "Patrick.McFadden@dbrr.com" <Patrick.McFadden@dbrr.com>;
"jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>

Sent: Wednesday, August 24, 2011 3:35 PM

Subject: AMTS B-block and A-block for MNR-LIRR PTC, via Contract with options, etc.

MNR and LIRR:

Chuck Hansen, hansen@mnrr.org
Brian Jennings, jennings@mnrr.org
Maura Kelly, makelly@lirr.org

And via above representatives, also to the following (for which we not have emails):

Seth Cummins
Vice President - General Counsel
MTA Metro-North Railroad
347 Madison Avenue
New York, NY 10017

Catherine A. Rinaldi
Vice President - General Counsel & Secretary
MTA Long Island Rail Road

My companies hereby extend to MNR and LIRR the same offer (and related presentation) we make below to AMTRAK (which in turn references the below offer and presentation to SCRRA).

FYI, Partrick McFadden and his law firm Drinker Biddle & Reath (DC) are counsel to our companies (called "SkyTel" together) for certain FCC purposes indicated below, centered around FCC 11-64. He is cc'ed here.

A copy of this will be filed in FCC docket 11-79.

Sincerely,
Warren Havens

----- Forwarded Message -----

From: Warren Havens <warren.havens@sbcglobal.net>

To: Samuel A. Hill <Hills@amtrak.com>; Theresa McCartney <MccartT@amtrak.com>; Lawrence J. Movshin <lmovshin@wbklaw.com>

Cc: Roger Noel <Roger.Noel@fcc.gov>; Lloyd Coward <Lloyd.coward@fcc.gov>; Richard Arsenault <Richard.Arsenault@fcc.gov>; "Patrick.McFadden@dbr.com" <Patrick.McFadden@dbr.com>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>

Sent: Wednesday, August 24, 2011 3:13 PM

Subject: Fw: AMTS B-block and A-block for SCRRRA PTC, via Contract with options, etc.

AMTRAK representatives:

Samuel Hill, hills@amtrak.com

Theresa McCartney, mccartt@amtrak.com

Lawrence J. Movshin, lmovshin@wbklaw.com (counsel for FCC matters)

My companies hereby extend to AMTRAK a spectrum purchase offer substantially the same as presented below to SCRRRA.

(The previous offer is also indicated below, involving no or substantially no cost.)

This is even more applicable to AMTRAK in NE Corridor as compared to SCRRRA, since in the NE Corridor:

1. DC up to Philadelphia-north:

SkyTel has the AMTS B-block geographic spectrum now. SkyTel has claims to the A-block geographic spectrum pending in timely Application for Review and other petitions before the FCC, as the lawful high bidders in Auction 61 (there is no "return" of the spectrum to the FCC, for re-auction or "reallocation" if SkyTel entities were lawful high bidders).

2. Philadelphia-north up to Boston-north:

SkyTek has the AMTS B-block and A-block geographic spectrum now.

Below indicates relevant new information as to site-based encumbrances.

If AMTRAK has any interest, please let me know within 10 days.

I would be happy to discuss reasonable alternatives. (On that point, as I made clear before to AMTRAK in writing, it is not "commercially reasonable" or otherwise reasonable or acceptable for AMTRAK to require that SkyTel give up its valid claims against Maritime, as AMTRAK asserted before the FCC. You are of course aware of FCC 11-64 and the Hearing under it.)

If I do not get a response, I will take it that AMTRAK has no interest.

A copy of the below SCRRRA Offer, and this Offer to AMTRAK, will be filed in FCC docket 11-79.

Sincerely,
Warren Havens

ps: I will later address issues in the AMTRAK presentation under cover letter dated Aug 17, 2011 (with , in this docket, as to its lack of conformance with FCC rules, mischaracterization of my companies past spectrum offers to AMTRAK, collateral ex parte attack, by "reallocation" argument, on SkyTel's FCC petitions challenging the Maritime's AMTS licenses and claims to the spectrum as lawful high bidders, etc. SkyTel requests that AMTRAK deal with contested matters openly, professionally, and in accord with FCC law.

But I cc here several of the FCC staff persons you copied on this presentation, to inform them of these matters,

since they relate to your August 17 letter presentation including its attachment.

Railroad do not need spectrum in same range as PTC220, for PTC (or, as all of you know, for new wireless which, as a minor-capacity application, can include PTC):

- SkyTel has shown that in other presentations, and does not waive any of that here.*
- However, this is a offer to provide spectrum that you assert you need, and gives you flexibility so that you will have no material downside if you enter a Contract as proposed.*

----- Forwarded Message -----

From: Warren Havens <warren.havens@sbcglobal.net>

To: "brozowskik@scrra.net" <brozowskik@scrra.net>

Cc: feldman <feldman@fhhlaw.com>; Steven D. Miller <SMiller@hansonbridgett.com>; "Patrick.McFadden@dbr.com" <Patrick.McFadden@dbr.com>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>

Sent: Wednesday, August 24, 2011 1:30 PM

Subject: Re: AMTS B-block and A-block for SCRRA PTC, via Contract with options, etc.

SCRRA,

Further, I meant to have included in the email below, and do so now, that, in addition to the below offer, my companies ("SkyTel") have an open offer to US metro passenger railroads to supply 217-222 MHz spectrum for PTC at no or substantially no cost to the railroads. See SkyTel filings in FCC docket 11-79, including our July 12, 2011 "Proposal and Request for Further Notice." This is based upon certain alternative spectrum we would accept if the FCC provided that (that would not involve reallocation or taking of spectrum from any entity and would otherwise be in the public interest).

Thus, by this outstanding offer just noted above, and by the below offer for cash purchase, we are offering two means for SCRRA, and all other US metro passenger railroads, to obtain spectrum for PTC at this time.

Also, a copy of this email will be placed in docket FCC 11-79, including to keep the FCC informed.

- W. Havens

From: Warren Havens <warren.havens@sbcglobal.net>

To: "brozowskik@scrra.net" <brozowskik@scrra.net>

Cc: feldman <feldman@fhhlaw.com>; Steven D. Miller <SMiller@hansonbridgett.com>; "Patrick.McFadden@dbr.com" <Patrick.McFadden@dbr.com>; "jstobaugh@telesaurus.com" <jstobaugh@telesaurus.com>

Sent: Wednesday, August 24, 2011 12:07 PM

Subject: AMTS B-block and A-block for SCRRA PTC, via Contract with options, etc.

Via: SCRRA Board Secretary

brozowskik@scrra.net

1-213-452-0255

To: Richard Katz Chair, SCRRA Board of Directors
Member, Los Angeles County Metropolitan Transportation Authority (Metro)
Board of Directors
City of Los Angeles Mayor Appointee

To: Patrick Morris Vice-Chair, SCRRA Board of Directors
Member, San Bernardino Associated Governments (SANBAG) Board of Directors
Mayor, City of San Bernardino

cc: Paul Feldman. outside legal counsel to SCRRA (FCC matters)

cc: Patrick McFadden, outside legal counsel to SCRRA (undersigned companies)
cc: Steven D. Miller, outside legal counsel to SCRRA
cc: Patrick McFadden, outside legal counsel the SkyTel (undersigned companies)

Gentlemen,

This is an offer from SkyTel to SCRRA of FCC licensed radio spectrum in the 220 MHz range for SCRRA PTC.

Please forward this to appropriate persons with or representing SCRRA to review this matter.
(My office may send copies to others that appear appropriate also, if we find them.)

SCRRA has stated to the FCC and other entities that it seeks FCC-licensed radio spectrum in the 217-222 MHz range.

It arranged to purchase spectrum from Maritime Communications Land Mobile LLC ("Maritime").

That involves the AMTS A-block spectrum in lower 200 MHz.

The Maritime spectrum is subject to various proceedings before the FCC.

This includes a formal Hearing under FCC 11-64

(in which discovery is proceeding as to the Parties. SCRRA is a Party, as are my companies listed below. Our attorneys will arrange to efficiently cooperate with SCRRA in discovery issues at an appropriate time.)

Two companies I manage, among those listed at the end below, hold the AMTS B-block spectrum in California. Two of our companies were also the lawful high bidders in the FCC auction for the spectrum held by Maritime, including what it sold to SCRRA.

That is indicated in FCC 11-64 and in our petitions before the FCC on this subject.

In recent months, evidence has been found and presented to the FCC as to:

- the AMTS B-block in California (including SCRRA region) not being encumbered by any lawful (actually lawfully built and maintained) site-based "incumbent" stations, which we believe will result in our AMTS licensing being usable in SCRRA areas; and
- the Maritime disqualification to hold its currently held AMTS A-block licenses due (among other things) to its cheating in the FCC AMTS auction against my companies, which we believe will result in our companies eventually obtaining these licenses, also, including in the SCRRA area.

For Skytel, I propose, if SCRRA believes it needs 217-222 MHz spectrum (for its PTC program or otherwise), the following.

Enter a spectrum purchase contract with Skytel ("Contract") --

- (1) for spectrum in the AMTS B-block, subject to final clearance of incumbent stations (but as I could explain, it is effectively cleared now), and
 - (2) for spectrum in the AMTS A-block, if SkyTel prevails in obtaining this, as indicated above, and if the B-block incumbent stations are not cleared first.
- All pricing and terms would be agreed to.
 - SkyTel may agree in the Contract that SCRRA could have the option to terminate the contract even if the above noted contingencies are satisfied, in exchange for release of a sum to be put into escrow. SCRRA may exercise this option for any reason, including if it succeeds in obtaining by final FCC action the spectrum from Maritime indicated above.

For such a Contract, if timely entered, SkyTel would offer a price in the general range that is involved in the SCRRA contract with Maritime, but would include in the contract a right to proceed against Maritime for damages (the Maritime price is not fair market value for many obvious reasons).

- (We do not know if SCRRA has viable damage claims against Maritime, but if it does, it may factor that in.)
- We would offer this since, as stated to the FCC (and to SCRRA) in various FCC filings, our companies are involved in wireless for Intelligent Transportation Systems, and while we disagree with the SCRRA pursuit of the Maritime spectrum (for legal, public-policy, California law, and other reasons), we may advance our positions before the FCC, US DOT, etc. by this arrangement.
- SkyTel would commit to using some of the sale proceeds for publicly disclosed California Intelligent Transportation System (ITS) research, via the Skybridge Spectrum Foundation, an IRS Sec. 501(c)(3) nonprofit dedicated to wireless for ITS. (Skybridge is a company I manage, listed below, and holds some of the AMTS B-block in California.) Skybridge is doing this anyway, but it is still a benefit to California ITS of which SCRRA PTC is a part.

SkyTel would not require in the Contract that SCRRA abandon its pursuit of the Maritime spectrum, and SkyTel would not give up our challenge of that, or any other challenge before the FCC or other entity related to that.

We would not require the Contract to be confidential, but it would be public.

By securing the above indicated Contract, SCRRA would secure AMTS spectrum, whether Martime or SkyTel prevails as to the A-block, and also, as an alternative the AMTS B-block. As to the latter, we will be submitting to the FCC a certain petition to find automatic termination of the incumbent stations based on newly found evidence, much of which we recently filed with the FCC.

I do not see a downside for SCRRA if it enters such a Contract.

There is obvious upside, including a more secure radio-spectrum platform to pursue and secure for use funding for PTC development and deployment.

This email is not confidential.

SkyTel my use this email before the FCC, DOT-FTA, etc. to demonstrate availability of spectrum for PTC. We are sending somewhat similar offers to other public passenger railroads. While these offers are in good faith on the SkyTel side, I also note that, based on public evidence, it appears that many railroad entities are not honestly presenting to the FCC, FTA, APTA, etc. the relevant facts and their actual plans and issues. PTC is an unfunded (or not fully funded) Federal mandate. Some railroads appears to *want to have and artificially project* problems as to why then cannot meet the mandate, such as lack of radio spectrum (and that only PTC220-based radio equipment is viable, and that is behind, etc.), as a means to get more funding to go with the mandate. In any case, these offers are in good faith, and will at minimum help to clear up spectrum-availability issues, whether accepted or not.

If SCRRA has any interest, please let me know within 10 days.

If I do not get a response, I will take it that SCRRA has no interest.

Sincerely,
Warren Havens

President

Skybridge Spectrum Foundation

ATLIS Wireless LLC

V2G LLC

Environmental LLC

Verde Systems LLC

Telesaurus Holdings GB LLC

Intelligent Transportation & Monitoring Wireless LLC

Berkeley California

www.scribd.com/warren_havens/shelf

510 841 2220 x 30

510 848 7797 -direct

[*] THE BELOW IS AN IN-LINE ATTACHMENT AS NOTED ABOVE.

----- Forwarded Message -----

From: Warren Havens <warren.havens@sbcglobal.net>

To: Robert Marshall <RMarshall@dart.org>

Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>

Sent: Tuesday, August 9, 2011 8:12 PM

Subject: Re: Our Presentation is attached. / Re: Request for Quote, 217-220 MHZ Spectrum

Robert,

Due to developments will will publicly explain soon, to US public passenger railroads, my companies will be making offers to sell spectrum for cash purchases to such railroads, factoring in their public governmental nature. The price and terms will be public.

While there will be common terms and some basic formula in common to our various offers, each one will be individualized and it takes time to prepare. Thus, I am asking of DART (and to other public railroads), if you would like to receive such an

offer. It would have the quantity of spectrum and territory you sought in your past communications, and would close upon FCC approval, and standard representations and warranties and other terms within common practice. We know no reason FCC would not approve. (All our past spectrum sales obtained FCC approval, and without modification.) MCLM is in no position to challenge nor is anyone, without it being frivolous. Along with the purchase agreement signing, if the buyer wants, we will provide lease of the spectrum until Closing. (If we find any direct conflict, or adverse or unlawful actions, we may not make such offers to certain railroads.)

We tentatively plan to make offers good for a reasonable period of time, probably 4-6 weeks, with potential for extension for good cause.

Let me know if DART would like to receive such an offer.

Sincerely,
Warren Havens

From: Warren Havens <warren.havens@sbcglobal.net>
To: Robert Marshall <RMarshall@dart.org>
Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>; Mark Griffith <mgriffith@telesaurus.com>
Sent: Tuesday, May 3, 2011 10:01 AM
Subject: Re: Our Presentation is attached. / Re: Request for Quote, 217-220 MHZ Spectrum

Robert,

I can explain our presentation and individualizing it for DART and providing spectrum promptly, if you like.

I suggest we talk on the phone.
I will try to call you, not sure of my schedule today yet.
Feel free to call me if I don't first reach you. 510 848 7797
I suggest a call, or a second one, along lines I note below in yellow.

Our side does not have a problem with actual promptness.
But we do not see evidence of any railroad clarity or promptness on PTC.
We see, including from experts, a lot of uncertainty, and unwillingness to tell the actual underlying story publicly as should be done (since public money, safety, etc. is at issue).

Our offer was not meant to be general only, or futuristic.
We can act now if any railroad can act.
What I do not see from DART, or any railroad, is --
- reasonable descriptions of actual PTC plans (spectrum needed, radio system architecture, capacity, applications on that - PTC and other, etc.), their funding for it including spectrum, internal board authorization, etc.- these should all be public.

I know the 217-222 MHz spectrum landscape.
- We do not compete with disqualified licensees and various hype and cheaters, but oppose it.
But we are doing the opposite of using that (including FCC decision 11-64) for economic leverage, since we are not spectrum sellers, but seek to advance US intelligent transport wireless.
If railroads do not want to even discuss that with us, it is not too interesting to us to spend time with them.
If a railroad, in that case, wants to make us an offer, it can do that of course. The more each railroad gets into its distinct plan for better wireless, that is not part of a coordinated smarter, higher-capacity, longer-range national plan, the harder it will be to achieve that. We want to attempt the former, not the latter- the latter has failed in land mobile for decades. Very poor result in railroad, utility and other land mobile in the US.
- Our offer provides prompt and perpetual access to the spectrum actually needed, and other benefits, and a FMV purchase option.

In my view, DART should have, in addition to your valuable role, a officer-level IT/ wireless strategist/ decision maker, on a call with me to discuss in good faith.
That is my request to DART-- for you to include someone in such a role, in addition to yourself, for a serious discussion with and associates on my side.
That can be confidential if DART wants. (On my side, our presentation is public- certain individualization may be confidential.)

I expect you have a task assigned- just see if you can get a purchase contract set up.

But I have a better idea to discuss-- DART should look into this in good faith, since we do have a good idea, experts behind it, and it may benefit DART by some order(s) or magnitude more than just buying a bag of frequencies now.

We are communicating with many railroads and their reps now, in most of the US.

- If enough get interested, this should make FRA and FTA happy and federal funding for this intelligent Railroad Wireless plan we promote (which railroads may amend- we are seeking discussion on the principles and our offer makes clear that our focus is not profit, but benefit to US intelligent transport) may result- far more than currently, since the benefits to the US would be much greater.

At the same time, we do not depend on railroads.

If our broader intelligent transport plans firm up, focusing on roadways and other areas, and if railroad are closed-in and will not discuss, at least we have a public records of making a serious attempt to promote and support intelligent railroad wireless.

Attached is a paper we (Skybridge) sponsored.

We agree with the principles.

- Warren

From: Robert Marshall <RMarshall@dart.org>

To: Warren Havens <warren.havens@sbcglobal.net>

Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>; Mark Griffith <mgriffith@telesaurus.com>

Sent: Monday, May 2, 2011 4:09 PM

Subject: Re: Our Presentation is attached. / Re: Request for Quote, 217-220 MHZ Spectrum

Warren,

Thanks. Are you prepared to provide a quote to sell DART spectrum in the amounts indicated in the RFQ for DART's individual use and, if so, to negotiate and consummate that sale promptly, subject to approval by the FCC? Regards, Rob

>>> Warren Havens <warren.havens@sbcglobal.net> 4/30/2011 2:09 PM >>>

Robert,

Attached is our presentation regarding Intelligent Railroad Wireless including PTC, including provision of radio spectrum. It is also sent, or to be sent soon, to other railroads named in the presentation.

This is our focus. We need to focus our time and resources.

- If others present us with a clear, fair, one-off-deal offer, we will consider it, negotiate, etc.
- But this is our offer to US railroads overall, at this time. First sent to some railroads that have approached us in recent period. We may consider alternative components, but this shows our overall approach. It is consistent with our public presentations for years.

As you see, our presentation provides a purchase option at experts-determined FMV, on top of a spectrum lease at low cost.

- If a railroad wants least cost-- and also (more importantly in our view) the opportunities we suggest in the cooperative plan-- we prefer that and believe that is in the public interest, and may result in more federal funding.
- But the purchase option allows a railroad to have that security, also. (For determining FMV of purchase under a purchase option, your notes below are useful. Same for the proposed accompanying lease.)

Our proposal thus suggests (see attached for more) --

- Start with spectrum lease at low cost (a part of our cost basis: to be specified): this can end up perpetual if the described Phase 1 and later Phases are pursued cooperatively--

- That should not, in our view, involve railroad time and cost other than they should expend anyway on intelligent railroad wireless, but instead, our entities and other railroads would also contribute to the common endeavor. Everyone gets net benefits, in our view.

- Also from the start, have the security of the purchase option.

- If the cooperative endeavors do not work out for a particular participating railroad, then it can end the lease and exercise the purchase option at the described FMV. (Not noted in the attached, but we are not seeking FMV increase based on the cooperative efforts, only on external factors.)

- Other components in the presentation.

We hope to get serious dialog going among a number of railroads that each appear to be in a similar position, including those

listed in the presentation.

- Ideally, fairly early on, get freight railroads interested also, or at least coordinated and OK with the plan, including since it will provide the 200 MHz passenger railroads may use, to have same-band channels as freight railroads, for PTC.
- But our conclusion (upon sound researched information and experts opinions) indicated in the attached is that PTC is not the core of needed new intelligent railroad wireless. It is one application, best served in new wireless systems with a lot of capacity, good tech, long term plans and spectrum for that, etc.
- Approach, with interested railroads, Federal funding sources at some point. We do not seek the funds directly. This would be for the attached-described program for Intelligent Railroad Wireless including for PTC. Of course first would be appropriate tech and business planning. But the core need and concepts are clear, and this is a good time for it in the nation, including per Congress, White House, and Fed Agency policies and priorities.

Regards,

Warren Havens
President

Skybridge Spectrum Foundation

ATLIS Wireless LLC

V2G LLC

Environmentel LLC

Verde Systems LLC

Telesaurus Holdings GB LLC

Intelligent Transportation & Monitoring Wireless LLC

Berkeley California

www.scribd.com/warren_havens/shelf

510 841 2220 x 30
510 848 7797 -direct

From: Warren Havens <warren.havens@sbcglobal.net>
To: Robert Marshall <RMarshall@dart.org>
Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>; Mark Griffith <mgriffith@telesaurus.com>
Sent: Wednesday, April 27, 2011 11:36 AM
Subject: Re: Request for Quote, 217-220 MHZ Spectrum

Robert,
Any information helps.
We will be happy to send our proposal soon.
Warren

From: Robert Marshall <RMarshall@dart.org>
To: Warren Havens <warren.havens@sbcglobal.net>
Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>; Mark Griffith <mgriffith@telesaurus.com>
Sent: Wednesday, April 27, 2011 11:01 AM
Subject: Re: Request for Quote, 217-220 MHZ Spectrum

Warren,
Here is the only additional info I have been able to gather, I trust that you can now provide an offer. We want the license partitioned, with a predicted 38 dBu field strength at the partitioned license border consistent with FCC Rule Section 80.479(b). DART will be requesting a use waiver (to use the spectrum for private internal PTC use), which we expect the FCC will grant. I hope this helps, we look forward to your reply.
Rob

>>> Warren Havens <warren.havens@sbcglobal.net> 4/26/2011 12:37 PM >>>

We may have later this week an offer to a few railroads.

We can include DART unless you say otherwise.

My questions to your of April 19 are outstanding.

- Warren

From: Warren Havens <warren.havens@sbcglobal.net>

To: Robert Marshall <RMarshall@dart.org>

Cc: Jimmy Stobaugh <jstobaugh@telesaurus.com>; Mark Griffith <mgriffith@telesaurus.com>

Sent: Wednesday, April 20, 2011 3:27 PM

Subject: Re: Request for Quote, 217-220 MHZ Spectrum

Robert,

We discussed yesterday your letter.

I posed questions, etc. and noted a problem in your timing.

Today the attached was release by the FCC.

I explained these matters to DART in the past, and the TX AG office.

Same to PTC 220 LLC, SCRAA, AMTRAK, etc.

Regards,

Warren Havens

From: Robert Marshall <RMarshall@dart.org>

To: warrenhavens@mac.com; warren.havens@sbcglobal.net

Sent: Tuesday, April 19, 2011 9:20 AM

Subject: Request for Quote, 217-220 MHZ Spectrum

Please see attached letter.

Robert F. Marshall Jr.

Contracting Officer

Sr. Manager, Procurement

Dallas Area Rapid Transit www.dart.org

T: (214) 749-3465

rmarshall@dart.org